

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 EVERGREEN ESTATES CONDOMINIUM
11 ASSOCIATION OF APARTMENT
OWNERS, a Washington nonprofit
12 corporation,

13 Plaintiff,

14 v.

15 ADMIRAL INSURANCE COMPANY, a
Delaware corporation; ASSOCIATED
16 INTERNATIONAL INSURANCE
COMPANY, an Illinois corporation;
17 MARKEL INSURANCE COMPANY, a
Virginia corporation; and DOE INSURANCE
18 COMPANIES 1-10,

19 Defendants.

No: C16-1577 RSM

**STIPULATED JOINT MOTION AND
ORDER FOR CONTINUANCE OF
TRIAL DATE AND RELATED
DEADLINES**

20 **MOTION**

21 Counsel for all Parties (Plaintiff Evergreen Estates Condominium Association and
22 Defendants Admiral Insurance Company, Associated International Insurance Company and
23 Markel Insurance Company) submit this stipulated motion for a four-month continuance of
24 the trial date and related dates as described below. The parties' joint motion is based on LCR
25 10(g) and LCR 16(b)(5). The motion is supported by the declaration of attorneys Michael
26

McCormack. Mr. McCormack has conferred with counsel for the other parties—Mr. Houser for the Association, and Mr. Bentson for Admiral—and Mr. McCormack is submitting this motion and declaration at the request of Mr. Houser and Mr. Bentson.

REASONS JUSTIFYING PROPOSED CHANGE

Mr. Houser and Mr. Bentson represent opposing parties in a matter scheduled for trial on May 22, 2017, in the U. S. District Court for the Western District of Washington in Tacoma. See *Eagle Harbour Condo Association v. AllState, et. al.*, Cause No.: 3:15-CV-05312-RBL. In order to properly prepare and try the *Eagle Harbour* case, Messrs. Houser and Bentson along with their staff will be working full time on the Eagle Harbour case until early June, or later.

The consequence to this case is that the parties cannot realistically complete the discovery and deposition work necessary to meet this case's discovery deadline of May 22, 2017. In addition, all parties intend to file motions for summary judgment in this case, but due to their work on the Eagle Harbour trial, Mr. Houser and Mr. Bentson will not be able to complete discovery and file their motions in this case by the June 20 deadline for dispositive motions

The attorneys have conferred. Along with their clients, they are in unanimous agreement that a four-month continuance of the trial date in this matter, along with a concomitant rescheduling of pending deadlines, is an appropriate solution if this Court agrees. What the parties specifically request is as follows:

CURRENT DATE	PROPOSED DATE
Trial: September 18, 2017	January 18, 2018 or date TBD by Court
Rebuttal Expert: April 28, 2017	July 28, 2017
Discovery Cut off: May 22, 2017	September 22, 2017
Dispositive Motion Deadline: June 20, 2017	October 20, 2017
Mediation: August 4, 2017	December 4, 2017

CURRENT DATE	PROPOSED DATE
Motions in Limine: August 21, 2017	December 21, 2017
Pretrial Order: September 6, 2017	January 5, 2018
Trial Briefs: September 13, 2017	January 12, 2018

DATED: May 2, 2017

BULLIVANT HOUSER BAILEY PC

STEIN SUDWEEKS & HOUSER, PLLC

By: /s/ Daniel R. Bentson

By: /s/ Daniel S. Houser

Daniel R. Bentson, WSBA #36825
E-mail: dan.bentson@bullivant.com
Owen R. Mooney, WSBA #45770
E-Mail: owen.mooney@bullivant.com
1700 Seventh Avenue, Suite 1810
Seattle, Washington 98101
Phone: (206) 292-8930

Justin Sudweeks, WSBA #28755
E-mail: justin@condodeflects.com
Daniel S. Houser, WSBA #32327
E-Mail: dhouser@condodeflects.com
Daniel Stein, WSBA #48739
E-mail: dstein@condodeflects.com
2701 First Avenue, Suite 430
Seattle, Washington 98121
Phone: (206) 388-0660

Attorneys for Defendant Admiral Insurance Company

Attorneys for Plaintiff Evergreen Estates Condominium Association of Owners

BULLIVANT HOUSER BAILEY PC

By /s/ Michael McCormack

Michael McCormack, WSBA #15006
E-mail: michael.mccormack@bullivant.com
1700 Seventh Avenue, Suite 1810
Seattle, Washington 98101
Phone: (206) 292-8930

Attorneys for Defendants Associated International Insurance Company and Markel Insurance Company

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

ORDER

IT IS ORDERED that the trial of this matter is rescheduled for **January 22, 2018**.

The case schedule set forth above is adopted **with the exception of the trial date.**

DATED this 2nd day of May 2017.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

Presented By:

BULLIVANT HOUSER BAILEY PC

By /s/ Michael McCormack

Michael McCormack, WSBA #15006
E-mail: michael.mccormack@bullivant.com
1700 Seventh Avenue, Suite 1810
Seattle, Washington 98101
Phone: (206) 292-8930

Attorneys for Defendants Associated International Insurance Company and Markel Insurance Company

Approved as to Form:

BULLIVANT HOUSER BAILEY PC

By: /s/ Daniel R. Bentson

Daniel R. Bentson, WSBA #36825
E-mail: dan.bentson@bullivant.com
Owen R. Mooney, WSBA #45770
E-Mail: owen.mooney@bullivant.com
1700 Seventh Avenue, Suite 1810
Seattle, Washington 98101
Phone: (206) 292-8930

Attorneys for Defendant Admiral Insurance Company

STEIN SUDWEEKS & HOUSER, PLLC

By: /s/ Daniel S. Houser

Justin Sudweeks, WSBA #28755
E-mail: justin@condodefacts.com
Daniel S. Houser, WSBA #32327
E-Mail: dhouser@condodefacts.com
Daniel Stein, WSBA #48739
E-mail: dstein@condodefacts.com
2701 First Avenue, Suite 430
Seattle, Washington 98121
Phone: (206) 388-0660

Attorneys for Plaintiff Evergreen Estates Condominium Association of Owners